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David Levitt

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EXAMINER

QUINONES, ISMAEL C

ART UNIT

PAPER NUMBER

2686

5

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/027,112

Applicant(s)

LEVITT, DAVID

Examiner

Ismael Quiñones

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. **Claim 7** is objected to because of the following informalities:

Claim 7 depends upon claim 1, citing the same limitations such as those cited by claim 2, claim 7 should depend upon claim 6, which refer to the limitations of the handheld unit disclose on claim 6. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-3, 6-8, 11-13, and 16-18** are rejected under 35 U.S.C. 102(b) as being anticipated by Chiloyan et al. (U.S Pat. No. 6,008,735).

Regarding **claim 1**, Chiloyan et al. disclose a program selector and guide system (*col. 3, lines 63-67; Figs. 1 and 2, item 10*), comprising: one or more entertainment devices that provide content to a user (*col. 4, line 53 thru col. 5, line 10; Table I; Fig. 1, items 28a-28n*); a handheld unit (*Fig. 1, item 72*) that controls the operation of the one or more entertainment devices (*col. 4, lines 23-26*), the handheld unit further comprising means for receiving content directory information from a remote source (Means such as data link interface for being connected to a computer or remote source, to allow data such

as codes related to the operation of the entertainment devices, to be downloaded from the remote source and stored within the handheld unit or remote control unit; *col. 5, lines 25-29; Fig. 1, items 24 and 26*), means for generating a content directory displayed on a display of the handheld unit (*col. 5, lines 61-62; col. 6, lines 19-24; Fig. 2 and Figs. 3A-3M, item 72*) that permits the user to select a particular piece of content for a particular entertainment device (Wherein the user can select from the list of devices a particular device; *col. 5, lines 63-65; col. 6, lines 33-56; Figs. 3A-3M, items 74-77*) and means for controlling the particular entertainment device based on the selected piece of content to display the particular piece of content (Selecting a device for means of controlling such *col. 10, lines 24-33; col. 11, lines 40-42*).

Regarding **claim 2**, and as applied to claim 1, Chiloyan et al. disclose the aforementioned system, wherein the handheld unit further comprises means for controlling one or more characteristics of the selected entertainment device (Comprising a variety of buttons for controlling common characteristics or commands of the entertainment device; *col. 5, lines 47-57; col. 7, lines 1-5*), wherein the characteristics include one or more of turning the power on/off to the particular entertainment device (*Fig. 2, item 42*) and muting the particular entertainment device (*Fig. 2, item 48*).

Regarding **claim 3**, and as applied to claim 2, Chiloyan et al. disclose the aforementioned system, wherein the entertainment devices comprises one or more sources of content including one or more of a television tuner, a CD player, video cassette recorder (*col. 4 thru col. 5, Table I; col. 6, lines 40-52; Fig. 3C*).

Regarding **claim 6**, Chiloyan et al. disclose a handheld device (*Fig. 1, item 72*), comprising: means for receiving content directory information from a remote source (Means such as data link interface for being connected to a computer or remote source, to allow data such as codes related to the operation of the entertainment devices, to be downloaded from the remote source and stored within the handheld unit or remote control unit; *col. 5, lines 25-29; Fig. 1, items 24 and 26*); means for generating a content directory displayed on a display of the handheld unit (*col. 5, lines 61-62; col. 6, lines 19-24; Fig. 2 and Figs. 3A-3M, item 72*) that permits the user to select a particular piece of content for a particular entertainment device (Wherein the user can select from the list of devices a particular device; *col. 5, lines 63-65; col. 6, lines 33-56; Figs. 3A-3M, items 74-77*); and means for controlling the particular entertainment device based on the selected piece of content to display the particular piece of content (Selecting a device for means of controlling such *col. 10, lines 24-33; col. 11, lines 40-42*).

Regarding **claim 7**, and as applied to claim 6, Chiloyan et al. disclose the aforementioned handheld unit further comprising means for controlling one or more characteristics of the selected entertainment device (Comprising a variety of buttons for controlling common characteristics or commands of the entertainment device; *col. 5, lines 47-57; col. 7, lines 1-5*), wherein the characteristics include one or more of turning the power on/off to the particular entertainment device (*Fig. 2, item 42*) and muting the particular entertainment device (*Fig. 2, item 48*).

Regarding **claim 8**, and as applied to claim 7, Chiloyan et al. disclose the aforementioned handheld unit, wherein the entertainment devices comprises one or more

sources of content including one or more of a television tuner, a satellite receiver, an AM/FM tuner, a CD player, a DVD player, a digital video recorder and a video cassette recorder (*col. 4 thru col. 5, Table I; col. 6, lines 40-52; Fig. 3C*).

Regarding **claim 11**, Chiloyan disclose a method for selecting programs from one or more entertainment devices that provide content to a user (*col. 3, lines 63-67; col. 4, line 53 thru col. 5, line 10; Table I; Fig. 1, items 28a-28n; Figs. 1 and 2, item 10*), the method comprising: controlling the operation of the one or more entertainment devices using a handheld device (*col. 4, lines 23-26*); the controlling further comprising receiving content directory information from a remote source (Means such as data link interface for being connected to a computer or remote source, to allow data such as codes related to the operation of the entertainment devices, to be downloaded from the remote source and stored within the handheld unit or remote control unit; *col. 5, lines 25-29; Fig. 1, items 24 and 26*), generating a content directory displayed on a display of the handheld unit (*col. 5, lines 61-62; col. 6, lines 19-24; Fig. 2 and Figs. 3A-3M, item 72*) that permits the user to select a particular piece of content for a particular entertainment device (Wherein the user can select from the list of devices a particular device; *col. 5, lines 63-65; col. 6, lines 33-56; Figs. 3A-3M, items 74-77*) and controlling the particular entertainment device based on the selected piece of content to display the particular piece of content (Selecting a device for means of controlling such *col. 10, lines 24-33; col. 11, lines 40-42*).

Regarding **claim 12**, and as applied to claim 11, Chiloyan et al. disclose the aforementioned method, further comprising controlling one or more characteristics of the selected entertainment device (Comprising a variety of buttons for controlling common

characteristics or commands of the entertainment device; *col. 5, lines 47-57; col. 7, lines 1-5*), wherein the characteristics include one or more of turning the power on/off to the particular entertainment device (*Fig. 2, item 42*) and muting the particular entertainment device (*Fig. 2, item 48*).

Regarding **claim 13**, and as applied to claim 11, Chiloyan et al. disclose the aforementioned method, wherein the entertainment devices comprises one or more sources of content including one or more of a television tuner, a satellite receiver, an AM/FM tuner, a CD player, a DVD player, a digital video recorder and a video cassette recorder (*col. 4 thru col. 5, Table I; col. 6, lines 40-52; Fig. 3C*).

Regarding **claim 16**, Chiloyan et al. disclose a handheld device (*Fig. 1, item 72*) being adapted to be used as a program selector and guide (*col. 3, lines 63-67; Figs. 1 and 2, item 10*) and an entertainment device controller (*col. 4, lines 23-26*), the handheld device comprising: means for receiving content directory information from a remote source (Means such as data link interface for being connected to a computer or remote source, to allow data such as codes related to the operation of the entertainment devices, to be downloaded from the remote source and stored within the handheld unit or remote control unit; *col. 5, lines 25-29; Fig. 1, items 24 and 26*); means for generating a content directory displayed on a native display of the handheld unit (*col. 5, lines 61-62; col. 6, lines 19-24; Fig. 2 and Figs. 3A-3M, item 72*) that permits the user to select a particular piece of content for a particular entertainment device using the native controls of the handheld device (Wherein the user can select from the list of devices a particular device; *col. 5, lines 63-65; col. 6, lines 33-56; Figs. 3A-3M, items 74-77*); and means for

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controlling the particular entertainment device using the native communications of the handheld device based on the selected piece of content to display the particular piece of content (Selecting a device for means of controlling such *col. 10, lines 24-33; col. 11, lines 40-42*).

Regarding **claim 17**, and as applied to claim 16, Chiloyan et al. disclose the aforementioned handheld unit further comprising means for controlling one or more characteristics of the selected entertainment device (Comprising a variety of buttons for controlling common characteristics or commands of the entertainment device; *col. 5, lines 47-57; col. 7, lines 1-5*), wherein the characteristics include one or more of turning the power on/off to the particular entertainment device (*Fig. 2, item 42*) and muting the particular entertainment device (*Fig. 2, item 48*).

Regarding **claim 18**, and as applied to claim 17, Chiloyan et al. disclose the aforementioned handheld unit, wherein the entertainment devices comprises one or more sources of content including one or more of a television tuner, a satellite receiver, an AM/FM tuner, a CD player, a DVD player, a digital video recorder and a video cassette recorder (*col. 4 thru col. 5, Table I; col. 6, lines 40-52; Fig. 3C*).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. **Claims 4, 9, 14, and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiloyan et al. (U.S Pat. No. 6,008,735) in view of Shen et al. (U.S Pat. No. 6,401,059).

Regarding **claim 4**, and as applied to claim 1, Chiloyan et al. disclose the aforementioned program selector and guide system comprising one or more user content libraries (Additional code sets provided from a computer, the code sets pertaining to the entertainment devices; *col. 5, lines 25-29*). Chiloyan et al. fail to clearly specify wherein the content directory remote source further comprises a satellite content schedule, a cable content schedule, and a television content schedule.

In the same field of endeavor, Shen et al. disclose a method and a system, comprising a PDA comprises an emulator, which emulates a remote control (*col. 3, lines 16-17*), a remote computer desktop or source comprising program information relative to a device (*col. 1, lines 54-62*), and wherein the remote source comprises a software program and a database for storing program information such as television program schedule (*col. 2, lines 44-48*), subsequently transporting the information (i.e., television program schedule) to the PDA (*col. 2, line 66 thru col. 3, line 11*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Chiloyan et al. method for programming a remote control unit to include a information such as programming schedule within a remote source as taught by Shen et al. for the purpose of simplifying the use of program schedule information through a remote control.

Regarding **claim 9**, and as applied to claim 6, Chiloyan et al. disclose the aforementioned handheld unit comprising one or more user content libraries (Additional code sets provided from a computer, the code sets pertaining to the entertainment devices; *col. 5, lines 25-29*). Chiloyan et al. fail to clearly specify wherein the content directory remote source further comprises a satellite content schedule, a cable content schedule, and a television content schedule.

In the same field of endeavor, Shen et al. disclose a method and a system, comprising a PDA comprises an emulator, which emulates a remote control (*col. 3, lines 16-17*), a remote computer desktop or source comprising program information relative to a device (*col. 1, lines 54-62*), and wherein the remote source comprises a software program and a database for storing program information such as television program schedule (*col. 2, lines 44-48*), subsequently transporting the information (i.e., television program schedule) to the PDA (*col. 2, line 66 thru col. 3, line 11*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Chiloyan et al. remote control unit receiving information from a remote source to include a information such as programming schedule

within a remote source as taught by Shen et al. for the purpose of simplifying the use of program schedule information through a remote control.

Regarding **claim 14**, and as applied to claim 11, Chiloyan et al. disclose the aforementioned method wherein the content directory remote source comprises one or more user content libraries (Additional code sets provided from a computer, the code sets pertaining to the entertainment devices; *col. 5, lines 25-29*). Chiloyan et al. fail to clearly specify wherein the content directory remote source further comprises a satellite content schedule, a cable content schedule, and a television content schedule.

In the same field of endeavor, Shen et al. disclose a method and a system, comprising a PDA comprises an emulator, which emulates a remote control (*col. 3, lines 16-17*), a remote computer desktop or source comprising program information relative to a device (*col. 1, lines 54-62*), and wherein the remote source comprises a software program and a database for storing program information such as television program schedule (*col. 2, lines 44-48*), subsequently transporting the information (i.e., television program schedule) to the PDA (*col. 2, line 66 thru col. 3, line 11*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Chiloyan et al. method for programming a remote control unit to include a information such as programming schedule within a remote source as taught by Shen et al. for the purpose of simplifying the use of program schedule information through a remote control.

Regarding **claim 19**, and as applied to claim 16, Chiloyan et al. disclose the aforementioned handheld unit, wherein the content directory remote source comprises

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one or more user content libraries (Additional code sets provided from a computer, the code sets pertaining to the entertainment devices; *col. 5, lines 25-29*). Chiloyan et al. fail to clearly specify wherein the content directory remote source further comprises a satellite content schedule, a cable content schedule, and a television content schedule.

In the same field of endeavor, Shen et al. disclose a method and a system, comprising a PDA comprises an emulator, which emulates a remote control (*col. 3, lines 16-17*), a remote computer desktop or source comprising program information relative to a device (*col. 1, lines 54-62*), and wherein the remote source comprises a software program and a database for storing program information such as television program schedule (*col. 2, lines 44-48*), subsequently transporting the information (i.e., television program schedule) to the PDA (*col. 2, line 66 thru col. 3, line 11*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Chiloyan et al. remote control unit receiving information from a remote source to include a information such as programming schedule within a remote source as taught by Shen et al. for the purpose of simplifying the use of program schedule information through a remote control.

7. **Claims 5, 10, 15, and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiloyan et al. (U.S. Pat. No. 6,008,735) in view of Harris et al. (U.S. P.G.-Pub. No. 2001/0033244).

Regarding **claim 5**, and as applied to claim 1, Chiloyan et al. disclose the aforementioned program selector and guide system, wherein the entertainment devices

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comprises a CD player (*col. 4, line 53 thru col. 5, line 16; Table I*). Chiloyan et al. fail to clearly specify wherein the content directory information comprises the songs on the CDs within the CD player and wherein the user selects a particular song on a particular CD in the CD player using the handheld device.

In the same field of endeavor, Harris et al. disclose a remote control multimedia content listing system (*Fig. 1, item 10*) to control and operate various external electronic devices including a CD player (*Page 3, Paragraph 44*), and wherein a user can select a song in the particular CD player or electronic device using the remote control multimedia content listing system (*Page 5, Paragraphs 72 and 78; Figs. 14 and 15*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Chiloyan et al. method for programming a remote control unit to include CD song or track listing content as taught by Harris et al. for the purpose of incorporating a conventional remote control device capable of receiving various media information such as a CD player listing content, adding diverse functionalities into the device.

Regarding **claim 10**, and as applied to claim 6, Chiloyan et al. disclose the aforementioned handheld unit, wherein the entertainment device comprises a CD player (*col. 4, line 53 thru col. 5, line 16; Table I*). Chiloyan et al. fail to clearly specify wherein the content directory information comprises the songs on the CDs within the CD player and wherein the user selects a particular song on a particular CD in the CD player using the handheld device.

In the same field of endeavor, Harris et al. disclose a remote control multimedia content listing system (*Fig. 1, item 10*) to control and operate various external electronic devices including a CD player (*Page 3, Paragraph 44*), and wherein a user can select a song in the particular CD player or electronic device using the remote control multimedia content listing system (*Page 5, Paragraphs 72 and 78; Figs. 14 and 15*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Chiloyan et al. remote control unit receiving information from a remote source to include CD song or track listing content as taught by Harris et al. for the purpose of incorporating a conventional remote control device capable of receiving various media information such as a CD player listing content, adding diverse functionalities into the device.

Regarding **claim 15**, and as applied to claim 11, Chiloyan et al. disclose the aforementioned method, wherein the entertainment devices comprises a CD player (*col. 4, line 53 thru col. 5, line 16; Table I*). Chiloyan et al. fail to clearly specify wherein the content directory information comprises the songs on the CDs within the CD player and wherein the user selects a particular song on a particular CD in the CD player using the handheld device.

In the same field of endeavor, Harris et al. disclose a remote control multimedia content listing system (*Fig. 1, item 10*) to control and operate various external electronic devices including a CD player (*Page 3, Paragraph 44*), and wherein a user can select a song in the particular CD player or electronic device using the remote control multimedia content listing system (*Page 5, Paragraphs 72 and 78; Figs. 14 and 15*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Chiloyan et al. method for programming a remote control unit to include CD song or track listing content as taught by Harris et al. for the purpose of incorporating a conventional remote control device capable of receiving various media information such as a CD player listing content, adding diverse functionalities into the device.

Regarding **claim 20**, and as applied to claim 6, Chiloyan et al. disclose the aforementioned handheld unit, wherein the entertainment device comprises a CD player (*col. 4, line 53 thru col. 5, line 16; Table I*). Chiloyan et al. fail to clearly specify wherein the content directory information comprises the songs on the CDs within the CD player and wherein the user selects a particular song on a particular CD in the CD player using the handheld device.

In the same field of endeavor, Harris et al. disclose a remote control multimedia content listing system (*Fig. 1, item 10*) to control and operate various external electronic devices including a CD player (*Page 3, Paragraph 44*), and wherein a user can select a song in the particular CD player or electronic device using the remote control multimedia content listing system (*Page 5, Paragraphs 72 and 78; Figs. 14 and 15*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Chiloyan et al. remote control unit receiving information from a remote source to include CD song or track listing content as taught by Harris et al. for the purpose of incorporating a conventional remote control device

capable of receiving various media information such as a CD player listing content, adding diverse functionalities into the device.

8. **Claims 21-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiloyan et al. (U.S. Pat. No. 6,008,735) in view of Baker et al. (U.S. Pat. No. 6,597,374).

Regarding **claim 21**, and as applied to claim 16, Chiloyan et al. disclose the aforementioned handheld unit comprising a native display. Chiloyan et al. fail to clearly specify wherein the native display of the handheld unit further comprises a touchscreen display.

In the same field of endeavor, Baker et al. disclose remote control unit or handheld device (*col. 5, lines 1-16; Fig. 1, item 10*), comprising a display (*Fig. 1, item 16*), wherein the display comprises a touch sensitive panel or touch screen (*col. 3, lines 52-59; col. 4, lines 8-10; Fig. 2, item 33*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Chiloyan et al. method for programming a remote control unit to include a touch screen panel into a remote control unit as taught by Baker et al. for the purpose of providing a friendly interface with operational buttons associated with the functionality of a particular device, therefore avoiding a multitude of operational buttons for every controllable device.

Regarding **claim 22**, and as applied to claim 21, Chiloyan et al. in view of Baker et al. disclose the aforementioned handheld unit. In addition both Chiloyan et al. and Baker et al. disclose a handheld unit comprising one or more hardware buttons



incorporated into the handheld unit that are repurposed in order to select a particular piece of content (*See Chiloyan et al.*, col. 6, lines 33-39; *Figs. 1 and 2*, items 74-77; *See also Baker et al.* for hardware incorporated buttons and touch sensitive incorporated buttons, col. 3, lines 30-50; col. 7, lines 31-35).

Regarding **claim 23**, and as applied to claim 22, Chiloyan et al. in view of Baker et al. disclose the aforementioned handheld unit. In addition both Chiloyan et al. and Baker et al. disclose a handheld unit comprising an infrared port for generating commands to control the entertainment devices (*See Chiloyan et al.*, col. 4, lines 40-48; *Fig. 1*, item 18; *See also Baker et al.*, col. 4, lines 30-33).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. McGrane et al. (U.S. Pat. No. 6,496,927), Method and Configuring User Interface for Controlling a Controlled Device Based Upon Device Class.
- b. Ketchman (U.S. Pat. No. 6,195,589), Personal Data Assistant with Remote Control Capabilities.
- c. Kuramatsu (EP 1 087 355 A2), Portable Radio Terminal with Remote Control.
- d. Grube et al. (U.S. Pat. No. 5,201,067), Personal Communication Device Having Remote Control Capability.
- e. Hayes et al. (System and Method for Using a Hand Held Device to Display Product Information), (U.S. Pat. No. 2002/0140571).

10. Any response to this Office Action should be **faxed to** (703) 872-9306 or **mailed to:**

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

**Hand-delivered** responses should be brought to

Crystal Park II

2021 Crystal Drive

Arlington, VA 22202

Sixth Floor (Receptionist)

11. Any inquiry concerning this communication on earlier communications from the Examiner should be directed to Ismael Quiñones whose telephone number is (703) 305-8997. The Examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

12. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379, and fax number is (703) 746-9818. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9301.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose number is (703) 305-4700 or call customer service at (703) 306-0377.

*Ismael Quiñones*

I.Q.

July 21, 2004



**CHARLES APPIAH  
PRIMARY EXAMINER**